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- 2 A. Dr. John Straub. He is the partner
3 with Joe in the Building Science
4 Corporation.
5 Q. Is Neil Moyer a part of that group as
6 well?
7 A. No, sir.
8 Q. And John Straub is -- what is his
9 background and credentials?
10 A. He is a -- I don't know. You'll have
11 to get that information from him. I'm
12 not fully familiar.
13 Q. Well, is he actively participating in
14 any level of expertise in these cases
15 that you're aware of?
16 A. I'm not aware of the status of that.
17 Q. Were you privy to conversations where
18 discussions were had about his possible
19 involvement?
20 A. I talked to him about his possible
21 involvement.
22 Q. What did you say to him?
23 A. In the conversation of the

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- 1 removing-the-barriers issue, and he
2 offered to write a letter of review and
3 opinion and also help to support that
4 change being made in the standard. We
5 spoke about he was very aware of the
6 litigation that was going on down here.

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7 I simply mentioned that I would love to
8 have him as -- as part of the team, and
9 he agreed to speak to counsel. So --
10 and I don't know where it's went from
11 there.

12 Q. Anybody else that you've had
13 conversations with -- other design
14 professionals, engineers, architects --
15 anyone else that you've been privy to
16 conversations or know about
17 conversations where people might be
18 added as experts in these cases?

19 A. I can't really recall -- yeah. There
20 was another gentleman a while back, but
21 I don't know -- that was a Mr. Bud
22 Offerman, but I don't know if anything
23 ever -- I don't know, you know, what

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1 conversations or anything ever had.

2 Q. Has Mr. Straub or Dr. Straub ever
3 accompanied you on any kind of site
4 visits?

5 A. No, sir, he has not.

6 Q. Let's go to your first report. And you
7 and I are both very familiar with this,
8 so let me see if we can go through
9 quickly. Do you have it in front of
10 you?

11 A. Yes, sir.

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- 12 Q. Okay. Let's go to your conclusion on
13 the second page.
14 A. Yes, sir.
15 Q. Your first sentence, you say that it is
16 extremely moist conditions within the
17 perimeter walls.
18 A. That's my opinion, yes, sir.
19 Q. What amount of condensation must a wall
20 have to qualify for extremely moist in
21 your judgment?
22 A. That's simply my opinion based on homes
23 that I've seen in the past. When it's

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- 1 maxing out the meter like that and the
2 bumps that I saw, then based on my
3 experience, in my opinion, those walls
4 were extremely moist.
5 Q. Do you have moisture-meter readings
6 here?
7 A. No. They're not depicted in the
8 report.
9 Q. I see on page 3, it says, Consistent
10 readings were 25 to 40 percent?
11 A. Correct.
12 Q. All right. Is there anything else in
13 your report that discusses moisture
14 readings?
15 A. No, sir.
16 Q. And what percentage does it become
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17 extreme, in your judgment?
18 A. Typically, when we get -- I would
19 not --
20 Q. Thirty percent, 10 percent?
21 A. No. I would say more, if we get over
22 20-25 percent. Typically, it's been my
23 experience if I see consistent readings

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1 over 25 percent, that's when I've found
2 from my sampling that -- that I start
3 finding the fungal growth. And that's
4 just based on my own experience. I've
5 also read literature that says 30
6 percent of relative readings are
7 conducive for mold growth.
8 Q. Well, if something more than 25 percent
9 is extreme, what would you qualify 80
10 percent as being? How would --
11 A. Well, it depends on the meter. My
12 meter, you know, when it maxes out up
13 there in the red, then I consider those
14 to be extreme readings.
15 Q. Is 40 percent a red?
16 A. Yes, sir, I believe it to be.
17 Q. Do you have the Tramex chart?
18 A. Well, that -- that was with my digital
19 meter. The actual red in that one
20 is -- is different. That's a relative
21 reading.

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22 Q. But we both agree that you can only
23 take relative readings in gypsum

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1 because of the salt content.
2 A. Exactly. And in this -- in this
3 particular house when I reference that
4 25 to 40 percent, that's using my
5 digital meters.
6 Q. And what scale does your digital meter
7 have?
8 A. Again, it's -- it's digital. There's
9 not a scale on it. Typically, the
10 maximum reading that I'll get with my
11 digital is 45 to 50 percent. I've seen
12 it as high as 50, but that's in walls
13 that are --
14 Q. Is there green/yellow/red on --
15 A. No --
16 Q. -- the digital?
17 A. -- there's not a green/yellow/red. And
18 those are comparative readings to where
19 I was getting 10 to 12 percent
20 consistently on the interior walls and
21 then the exterior walls were anywhere
22 from 25 to 40 percent.
23 Q. You haven't mapped out in any paper

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- 1 anywhere which walls had which
2 readings?
3 A. No, sir, I did not.
4 Q. And you have no independent
5 recollection of that now?
6 A. No, sir. It was pretty much consistent
7 all the way around the house or I would
8 have noted it differently.
9 Q. Is it your opinion that the green/
10 yellow/red on a wood scale is also
11 useful for gypsum?
12 A. On that meter, yes, sir. I had a
13 definitive conversation and I have the
14 gentleman's name. And he pointed out
15 in that particular brochure right there
16 that the relative scale is adjusted to
17 the green, yellow, and red.
18 Q. Well, this scale indicates that red on
19 the relative scale is something above
20 60 percent, maybe 65 percent.
21 A. That's correct.
22 Q. So you would agree with me that you
23 found nothing in the red on this home.

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- 1 A. I disagree. I did not use that meter
2 in taking these readings. I used the
3 digital meter.
4 Q. So you have no evidence that any meter

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6 that has a green/yellow/red on this
7 home indicated anything because you
8 never tested it for that.
9 A. Not with that meter, no, sir.
10 Q. Or any other meter with the red/yellow/
11 green indicators.
12 A. I don't recall. The meter that I used
13 during this inspection was the digital
14 meter.
15 Q. And what's the name of the manufacturer
16 of the meter?
17 A. That's the Professional Equipment
18 meter.
19 Q. That's that old one that dates back to
20 the '90s; right?
21 A. I'm not sure.
22 Q. Do you have calibration material on
23 that to show --
24 A. Not on that one, no, sir.

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1 Q. It's important to calibrate moisture
2 meters.
3 A. It depends. According, again, to
4 Tramex, it depends on what your intent
5 and purpose is. If you're trying to
6 get quantitative measurement and using
7 it specifically for wood, possibly yes.
8 But if you're making relative readings,
9 then --

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10 Q. Well, that's TrameX. But what about
11 Professional?
12 A. I've not had anything from them to say.
13 Q. So you don't know whether they
14 recommend calibration or not.
15 A. No. I'm simply, as I stated over and
16 over, making comparative measurements
17 to the inside/to the outside based on
18 my -- I've used this meter for years.
19 And based on my experience, it's my
20 opinion that those walls were extremely
21 moist.
22 Q. You've used the meter for years and
23 you've never calibrated it.

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1 A. This one, that's correct.
2 Q. Now, on page 2 of the report, you say
3 the moisture has caused structural
4 deterioration.
5 A. In my opinion, yes, sir, it has.
6 Q. Where in your report do you provide
7 evidence of that?
8 A. I would say that the mold sampling, the
9 fact that the -- we have mold present.
10 Q. Has affected the structure?
11 A. The gypsum board structure, in my
12 opinion, yes, sir.
13 Q. Can you show me any picture of any
14 wallboard anywhere where the back paper

15 of the wallboard 982parks.rough depo.txt has been deteriorated
16 and degraded?
17 A. In my opinion --
18 Q. Specifically. Can you show me where
19 exactly?
20 A. Okay. Based on the testing showing
21 there was mold growth, Figure 1,
22 Figure 2 --
23 Q. Well, that's indication of mold growth,

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1 not that the structure's been
2 compromised; right?
3 A. In my opinion, if we've got moisture
4 and mold growth, then we've compromised
5 the structure of that gypsum board.
6 Q. At any level, any amount of mold?
7 A. Yes. If we've got mold growth -- if
8 we've got moisture and mold growth,
9 then yes. I don't think that that --
10 Q. Even a light dusting is going to
11 compromise the structure?
12 A. You're kind of exaggerating. The -- my
13 statement is that if we have moisture
14 accumulation and mold growth, that is
15 compromising the materials, yes, sir.
16 That's -- that's eating away at the
17 materials. Now, I'm not saying that
18 it's falling off the wall right now.
19 But I'm saying that it's not proper and

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20 that is structurally compromising the
21 materials. They're not -- those
22 materials are not intended to
23 accumulate moisture and grow mold. And

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1 it will eventually lead to the complete
2 demise of failure of the wall. That is
3 my opinion.
4 Q. You don't have any data to show how
5 much moisture is acceptable in gypsum;
6 correct?
7 A. I disagree. There is -- there is
8 literature from the Gypsum Association
9 that shows what is normal, and then
10 they also say that any moisture -- that
11 it should not be exposed to moisture.
12 I mean, gypsum board is extremely
13 susceptible to moisture and --
14 Q. Right. What I'm trying to find out is,
15 has any authoritative material from the
16 Gypsum Association been promulgated
17 that you're aware of that indicates or
18 demonstrates that water above a certain
19 moisture amount for a certain period of
20 time will cause that actual wallboard
21 to fail.
22 A. I'm not familiar with that document,
23 no.

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- 1 Q. Now, on page 3, of your report, you
2 compare the (b)(1) to the (b)(2) wall;
3 correct?
4 A. Correct.
5 Q. Is there anywhere in either of your two
6 reports or in your field notes where
7 you actually make an opinion that
8 another design -- (b)(2), (b)(3),
9 waiver, AC, whatever -- is a better
10 alternative feasible design than
11 (b)(1)? Do you say is that anywhere in
12 your reports?
13 A. I think I depict that the (b)(2), in --
14 in theory and intent, is a much more
15 appropriate wall structure than the
16 (b)(1).
17 Q. And we've already established you don't
18 know that you've ever seen one of
19 these.
20 A. I can't say that I have or haven't.
21 Q. Now, you would agree with me if you
22 found moisture readings of 25 to 40
23 percent, you can't say what the

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- 1 absolute percentage of moisture in
2 those walls is because you didn't cut
3 and bake the sample.

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- 4 A. That is correct.
- 5 Q. And cutting and baking is the only
- 6 authoritative way to know for sure.
- 7 A. That's correct.
- 8 Q. Now, you did thermographic imaging in
- 9 this home.
- 10 A. Correct.
- 11 Q. And do you agree with me that -- have
- 12 you looked at the standard that we
- 13 talked about from the last trial?
- 14 A. No, I have not.
- 15 Q. So you don't know sitting here today
- 16 whether your thermographic protocols
- 17 comport with or violate the standard
- 18 for imaging in homes such as this?
- 19 A. Well, that particular standard you're
- 20 referencing is -- is describing test
- 21 methods for insulation values
- 22 (unintelligible). And that's not what
- 23 my intent was in this home. So I never

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- 1 in any way intended to test or identify
- 2 these issues by that. These pictures
- 3 are exemplary of helping to explain
- 4 where the -- how the heat and moisture
- 5 moves through the wall.
- 6 Q. All right. You would agree with me
- 7 that as between blue and orange or red
- 8 a couple of degrees' difference can

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- 9 cause that picture?
- 10 A. It depends on the camera and your
- 11 settings.
- 12 Q. But it can. You could have a couple of
- 13 degrees' difference in temperature
- 14 here.
- 15 A. No. I still -- well, I mean, you're --
- 16 you're --
- 17 Q. Looking at page 5.
- 18 A. -- being very general. There's more
- 19 than a couple of degrees, in my
- 20 opinion, between the red and the
- 21 blues --
- 22 Q. Did you --
- 23 A. -- the dark blues.

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- 1 Q. -- document that anywhere?
- 2 A. No, I did not.
- 3 Q. Hypothetically, you could set a camera
- 4 to show one or two degrees temperature
- 5 difference between blue and red.
- 6 A. Well, Mr. Commons proved he can cut and
- 7 paste and do that.
- 8 Q. Can you do it?
- 9 A. Actually, my camera will give a
- 10 depiction of a square, which I've
- 11 done -- well, anyway.
- 12 Q. But does it have any temperatures on
- 13 it?

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14 A. Yes, it will. It will have a high-low
15 and a -- but I've not done that in this
16 case.

17 Q. So sitting here today, you don't know
18 what the temperatures on these walls
19 are.

20 A. That's correct. I don't know. I do
21 not.

22 Q. Why does it matter that you're taking a
23 picture of an internal marriage line

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1 when we're talking about outside walls?

2 A. Well, because I was depicting the
3 similarity because that was an area
4 that I noted as an area in the mating
5 wall that wasn't sealed properly.

6 Q. And that can contribute to moisture in
7 the house.

8 A. That can contribute to moisture in that
9 wall structure.

10 Q. Well, I'm just wondering why you put it
11 in your report if it has nothing to do
12 with the outside walls, which is what
13 this lawsuit is about.

14 A. Exemplary; shows similarities.

15 Q. Do you think that the air leakage in
16 the wall in the mating line plays any
17 part in the moisture in the house or in
18 the walls?

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19 A. In the exterior walls?

20 Q. Yes.

21 A. No, sir. No. But it will have the --

22 it will have the same effect on that

23 mating wall (indicating) as exterior

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1 wall.

2 Q. Is that an exterior wall?

3 A. No. That's the mating wall.

4 Q. So these pictures of the internal

5 walls, other than for illustrative

6 purposes, don't have anything to with

7 the exterior walls, in your judgment.

8 A. No, sir. I think I can agree with

9 that.

10 Q. On page 6, there's a fairly typical

11 diagram I've seen in your reports with

12 the positive and negative pressure.

13 Does this home have negative pressures

14 that you're concerned about?

15 A. No, sir. It was extremely minimal.

16 The duct leakage -- the duct system was

17 tight. I didn't find any significant

18 pressure imbalances that I would

19 consider significant, but I did

20 highlight the fact that someone had

21 improperly connected that ventilation

22 system.

23 Q. And what does the improper connection

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1 of the ventilation system result in, in
2 your judgment?

3 A. well, it impedes the ability to bring
4 the fresh air in, which helps to, you
5 know, add so-called fresh air to the
6 home but also does help to offset any
7 minute duct leakage that may occur.

8 Q. Does this play any part in this case,
9 in your judgment?

10 A. I think it was improper, but that's not
11 what are making the walls do what
12 they're doing. It may escalate it a
13 little, but it's not making the walls
14 do what they're doing.

15 Q. And you would agree with me that the
16 manufacturer didn't install it this
17 way.

18 A. I would be more inclined to say that
19 the air conditioning person did it.
20 I've not seen the manufacturer ever
21 install one like that. But I did test
22 it, and I was not getting any flow
23 through it. So it was restrictive

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1 because of that.

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- 2 Q. Now, the next section of your report,
3 you have outdoor samples -- one outside
4 sample and three wall-cavity samples.
5 A. That's correct.
6 Q. Why did you pick the areas you chose?
7 A. Again, the bathroom area is because we
8 saw that was an area that was --
9 appeared to be the most problematic.
10 The other two areas were just around
11 the -- around the perimeter where the
12 homeowner allowed us to test.
13 Q. Did you see any Ionic Breeze filters in
14 this house?
15 A. I don't remember anything like that.
16 Q. If someone says that you tested the
17 screens or filters on the Ionic
18 Breezes, they would be mistaken?
19 A. That I tested them?
20 Q. Yes, sir.
21 A. Yes, sir. I've never tested anything
22 like that, that I can recall.
23 Q. Now let's go to page 7 of the report

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- 1 there, paragraph 1. Mold contamination
2 is considered present in building when
3 the total mold spore concentration per
4 cubic meter is above 10,000 (Baxter,
5 ETS). Do you see that?
6 A. Yes, sir.

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- 7 Q. That's talking about the indoor ambient
8 air; right?
- 9 A. That's right.
- 10 Q. That doesn't specifically address air
11 samples from wall cavities.
- 12 A. No, sir, it does not.
- 13 Q. And we've already established you
14 didn't take any indoor air samples to
15 know whether the indoor air pursuant to
16 Baxter/ETS exceeds 10,000.
- 17 A. That's correct.
- 18 Q. Now, the next section, you have
19 paragraph 2. The National Allergy
20 Bureau considers mold counts in air.
21 You see that?
- 22 A. That's correct.
- 23 Q. Has low, moderate, high, very high.

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- 1 A. Correct.
- 2 Q. Again, you didn't test any of the
3 indoor air to know where or whether it
4 falls in any of those categories.
- 5 A. No, sir, I did not. I put those in
6 there as references because those
7 are -- there are very few thresholds of
8 any type that are published out there
9 as what's considered to be abnormal.
- 10 Q. Would you agree with this statement:
11 Indoor air that falls below 10,000 per

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12 cubic meter is acceptable?

13 A. Well, typically, the EPA recommends
14 that -- that the indoor -- if you're
15 comparing the indoor air to the outdoor
16 air, it should be -- the contents of
17 the indoor care should be approximately
18 one-third or lower of the outdoor.

19 Q. Would you agree that there's no well-
20 established quantitative standard for
21 fungal spores on surfaces or in air?

22 A. Yes. That's why I said these are the
23 only -- a couple of the -- the few that

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1 are established out there or that's
2 been -- I say "established" -- that's
3 been published.

4 Q. Would you agree with this statement:
5 Mold contamination is present in a
6 building when the inside air exceeds
7 10,000 mold count?

8 A. Well, it depends on by what standard
9 that you're --

10 Q. Baxter/ETS.

11 A. I think that's what it says.

12 Q. It's what I'm reading from.

13 A. Yes.

14 Q. All right. So when you put this 25,000
15 and this 10,000, you would agree with
16 me that this really has nothing to do

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17 with anything else in your report
18 because these have to do with indoor
19 air and you didn't test the indoor air.
20 A. I did not test the indoor air.
21 However, I do believe, because these
22 are some published thresholds that are
23 out there, that it gives us some kind

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1 of idea of about what we should or
2 should not expect as being abnormal.
3 Q. But that's your opinion. You don't --
4 A. That is my opinion.
5 Q. You don't have any authoritative source
6 to indicate one way or the other
7 whether indoor wall or -- whether wall
8 sampling that you took can be applied
9 to these standards.
10 A. I agree. That's my opinion.
11 Q. I think we've already established
12 whatever is inside that wall, in your
13 judgment, you have no way of knowing
14 whether it's communicating to the
15 inside air.
16 A. That's correct. I wouldn't expect it
17 to be. But, I mean, I did not test
18 that so . . .
19 Q. And you're not here to say that
20 whatever mold in the air you found in
21 the walls is causing anyone any health

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22 problems in the house?

23 A. No, sir. I speak to no health issues

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1 whatsoever.

2 Q. Do you consider your testing methods

3 aggressive? Do you know what

4 aggressive mold sampling is?

5 A. That would -- you would have to define

6 what your terminology of "aggressive"

7 is.

8 Q. Well, aggressive is when you go into a

9 wall cavity and move anything around,

10 which can actually cause mold to come

11 up from another surface. Are you

12 familiar with that?

13 A. If it's not there, you can't stir it

14 up. So I believe my methodology to

15 be -- to be adequate as -- I mean, I've

16 even consulted with my lab. They've

17 agreed that it's an acceptable sampling

18 methodology.

19 Q. Now, when you test in a wall, you drill

20 two holes; right?

21 A. That is correct.

22 Q. And then you put a hose in the wall.

23 A. That is correct.

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- 1 Q. Right? And that hose bumps up against
2 the back of the insulation.
3 A. Hopefully not.
4 Q. Well, the insulation is three inches,
5 right, in width?
6 A. We hope it's three and a half inches.
7 Q. Three and a half. And the wall cavity
8 is three and a half.
9 A. That's correct.
10 Q. So you've got to touch the insulation
11 when you go back in there.
12 A. No, sir. That's the purpose of
13 drilling the second hole so that I can
14 insert the probe and push the
15 insulation back and -- and establish a
16 cavity there for putting it in. Now,
17 there have been occasions where I've
18 put the probe in or for some reason
19 whatsoever the samples have come back
20 with a -- with a high level of
21 contamination or -- or -- of other
22 debris, which impeded the lab from
23 reading the sample.

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- 1 Q. That's my point, though. You're
2 actually moving the insulation.
3 A. Exactly, yes, sir. Otherwise, you're
4 just going to suck up insulation and
5 you're not going to get a readable
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6 sample.
7 Q. Do you know why you skipped a line
8 there?
9 A. Yes, sir. I do that intentionally to
10 simply separate my outdoor sample from
11 my wall-cavity samples.
12 Q. Where do these numbers come from in the
13 left-hand column?
14 A. Off the Air-O-Cell itself.
15 Q. This one on the bottom is a different
16 batch.
17 A. Possibly, yes, sir.
18 Q. Different number.
19 A. Okay.
20 Q. Do you agree?
21 A. Yes, sir.
22 Q. Now, the blanks that you send in to the
23 lab, they actually come from the same

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1 batch?
2 A. Sometimes the lab will provide a blank.
3 That's something that they recommend be
4 done, so they -- they will provide that
5 for me at times.
6 Q. But isn't the purpose of a blank to
7 establish that the Air-O-Cell cells
8 that you pull from in a box of other
9 cells are not contaminated?
10 A. That's correct.

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11 Q. Do you know whether this blank was
12 pulled from that same lot or from a
13 different lot?
14 A. I don't know how they do that. But
15 they -- they have told me that either
16 they can either provide the blank at
17 the lab or I can send one with it. But
18 if there was a contamination, then I
19 think you would see irregular or
20 inconsistencies within the samples
21 where we've seen an incredible amount
22 of consistency with the outdoor samples
23 as well as the variety of wall samples

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1 and the tributaries to explain the
2 elevation.
3 Q. Well, here's my point. You've got five
4 lab tests and only four in your chain
5 of custody.
6 A. Correct. That means the lab provided
7 the -- that was a laboratory-provided
8 blank.
9 Q. Did you find any walls that were soft
10 to the touch in this home?
11 A. Yes. I noted the medium range, ten to
12 a hundred square foot, being soft and
13 one to ten square foot of visible mold.
14 Q. But that was in your interview section;
15 right?

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16 A. No. That's problems noticed.

17 That's -- that was -- that was below

18 the customer interview section. But

19 that's where I walked through and

20 actually looked.

21 Q. which walls?

22 A. I didn't note specifically which ones

23 were soft and which ones were not.

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1 Q. So sitting here today, you don't know

2 which of the walls were soft?

3 A. No. I couldn't specifically point out

4 which ones.

5 Q. Now, you only indicated one to ten

6 square foot of visible mold.

7 A. That's correct.

8 Q. Is that on the inside of the house, the

9 inside of the wall, outside of the

10 house? where did you indicate that?

11 A. Correct. And that visible mold that I

12 indicated was -- what I assume to be

13 mold from all the bumps on the wall,

14 that was in several locations at those

15 bumps.

16 Q. Where specifically? because I want to

17 go back out there and look at it.

18 where specifically were the bumps?

19 A. Two areas in the master bath, one on

20 the end wall one, one on a side wall,

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21 and then the third area, I believe, was
22 maybe -- I can't recall specifically,
23 but for some reason, I want to say it

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1 was either in a living room or -- I
2 don't recall the -- I remember that --
3 seems like I remember there being three
4 specific areas. I remember
5 specifically the two areas in the
6 master bathroom, one on the end wall
7 and one on the side wall.

8 (Defendants' Exhibit #6 was
9 marked for identification.)

10 Q. I'm going to show you Exhibit #6. This
11 is your sketch. Do you see that?

12 A. Yes, sir.

13 Q. Would you take a pen and draw arrows
14 where I should look if I want to see
15 bumps on walls?

16 (Witness complied.)

17 Q. Now, you're drawing one in the master
18 bath.

19 A. Uh-huh.

20 Q. Would you put a little one next to that
21 and circle it?

22 (Witness complied.)

23 Q. Okay. That's two. All right.

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- 1 A. Those are the two that I can
2 specifically recall.
3 Q. And you have no pictures of those?
4 A. No, sir, not that I can utilize now.
5 Q. Let's go --
6 A. I do have pictures, but I didn't put
7 them in my report and use them so . . .
8 Q. Of the drivers we identified a little
9 while ago, negative pressure is not
10 playing a part in this home in your
11 judgment; correct?
12 A. Correct.
13 Q. So wind-driven rain, possible;
14 thermodynamics, possible; bulk water
15 leaks, possible. Those are the range
16 of other drivers that we ought to
17 consider.
18 A. That you listed, yes, sir.
19 Q. And you never interviewed the homeowner
20 to know whether there were bulk water
21 leaks.
22 A. Okay. No, sir, because in my opinion,
23 when I investigated the house and found

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- 1 the consistency of the elevated
2 moisture all the way around the
3 perimeter of the house, typically a

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- 4 water leak is isolated to certain areas
5 or general area. If I would have found
6 elevated moisture in isolated areas,
7 then I would have looked more to the
8 bulk water leak than I did the
9 condensation issue.
- 10 Q. The mold sampling you did, does it
11 establish whether the mold was active
12 or old mold?
- 13 A. No, sir.
- 14 Q. So it's possible that if you found the
15 presence of mold spores in the walls,
16 it could be, if there was a water leak,
17 from water, in a bulk water context.
- 18 A. Are we speaking specifically about the
19 air samples or the bulk samples that I
20 took as well?
- 21 Q. Well, take them one at a time. The air
22 samples.
- 23 A. Okay. And ask that question again.

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- 1 I'm sorry.
- 2 Q. You said you don't know whether the
3 mold is active or old.
- 4 A. It doesn't tell us if it's viable or
5 nonviable; that's correct.
- 6 Q. And you would agree that if there's
7 testimony and evidence in this case
8 that there was a substantial water leak

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9 in the bathroom that permeated the
10 walls that that could have caused mold
11 in the walls, hypothetically speaking.
12 A. Hypothetically speaking. But also
13 because of the fact that I found
14 moisture elevated in those walls and
15 found the walls -- I would want to see
16 a test that says that it is nonviable
17 and that there's not viable mold
18 growing in there.
19 Q. And to this point and because your
20 reports are now in, you don't know
21 sitting here today whether they're
22 viable or not.
23 A. No, sir, I don't.

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1 Q. Which means you can't rule out prior
2 water damage.

3 A. Not by the air -- well, no. In my
4 opinion, I don't believe that to be the
5 case. I didn't see the evidence. The
6 evidence I did see showed the
7 consistent moisture all the way around.
8 And then with the bulk sampling, I
9 think it reiterated that -- that the
10 only two samples that came back clean
11 were samples that were taken from hot
12 closet areas, so --

13 Q. What --

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14 A. -- those temperature being higher.

15 Q. What would a serious water leak to a
16 gypsum board do to the gypsum? How old
17 would it affect it?

18 A. Well, if it came from the ceiling, it
19 would leave a stain. If it came -- if
20 it was a wall leak, now you're talking
21 about putting water into the wall which
22 raises the humidity level in the wall
23 cavity. It wouldn't necessarily leave

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1 a visible stain.

2 Q. Have you ever seen a gypsum wallboard
3 with, like, a watermark on it, you
4 know, like a stain that goes three or
5 four feet across?

6 A. Yes, sir.

7 Q. What is that caused from?

8 A. Typically, those kind of stains are
9 more of a water-leak stain.

10 Q. And you don't know whether this home
11 has any of those.

12 A. I didn't -- I didn't see those when I
13 was there, no, sir.

14 Q. If I can show you a picture of one in
15 this house, would that change your
16 analysis or your opinion in any way?

17 A. No, sir. You know, you're not going
18 to -- not unless that -- not unless

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19 that water leak is consistent all the
20 way around the house.
21 Q. But relative to the mold testing you
22 did in that cavity, you don't think
23 that plays any part.

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1 A. Oh, if there was a water leak in that
2 cavity, then that -- that could
3 theoretically, hypothetically, have
4 played a -- that was why my
5 recommendation was to go back and take
6 the random samples from all the way
7 around the house, a bulk sample from
8 the gypsum itself.
9 Q. But you still don't know whether it's
10 viable or not.
11 A. No. But in order for that mold growth
12 to occur, in my opinion, based on my
13 experience -- and it's my opinion that
14 it's from the condensation problem
15 because of the improperly used vapor
16 barrier.
17 Q. Now, in your second report -- and we're
18 getting close to being done -- this is
19 the one you just generated from last
20 month's visit; correct?
21 A. Correct.
22 Q. You've got four slides that appear to
23 be borrowed from Mr. Conlin; correct?

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- 1 A. Yeah, I think they did come from --
2 from one of this -- one of his
3 presentations, actually. Those
4 specific pictures were copied from that
5 one.
6 Q. You know what a hyphae is, H-Y-P-H-A-E?
7 A. Yes, sir.
8 Q. What's a hyphae?
9 A. The hypha -- hypha/hyphae -- are the
10 little rootlike systems that grow out
11 from the mold and into the materials.
12 Q. What's a mycelium?
13 A. The mycelium is the -- the mycelium
14 fragments are typically where those
15 have broken off and looked for extended
16 moisture. They -- they actually form,
17 like, a matting over the materials.
18 Q. Did you see any evidence of hyphae or
19 mycelium in this --
20 A. That cannot always be seen by the eye.
21 But I saw a lot of -- a lot of stuff
22 that looked like mold growth, and
23 that's why I cut it out and had it

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- 1 sampled.
2 Q. Well, I guess my questions is -- you've

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3 got pictures of hyphae and mycelium.

4 My question is, do you have any
5 photographic evidence that there's
6 hyphae or mycelium --

7 A. No. These --

8 Q. -- in this wall?

9 A. No, not photographic evidence. The
10 purpose of this is to explain, as it
11 says, the four stages of mold growth
12 and why the lab tests for the things
13 that it tests for.

14 Q. So what stage are we in, in your
15 judgment?

16 A. Well, because you've got active mold
17 growth in there, I mean, we pulled air
18 samples that showed the -- the
19 considerably elevated spore counts.
20 And then from the samples of the
21 materials itself, they categorize it
22 light, moderate, heavy, and
23 different -- different areas.

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1 Q. Hang on a second. I'm confused. You
2 just told me a minute ago that you
3 don't know whether any of this mold is
4 actually viable.

5 A. That's correct. I don't know
6 definitively because I didn't do viable
7 testing. My opinion is that it is,
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8 because of the fact we had moisture
9 present and the lab samples show that
10 the mold is there. So --
11 Q. But you haven't tested for it, so you
12 can't say authoritatively.
13 A. That's -- I've said that before. Yes,
14 sir.
15 Q. So which stage are we in -- one, two,
16 three, or four?
17 A. Where at?
18 Q. Well, I mean, you walk me through the
19 building. If you think it's different
20 in different places, tell me.
21 A. Well, I believe that the mold growth is
22 occurring in different stages all the
23 way through the building.

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1 Q. Well, where is the --
2 A. I didn't identify each specific stage
3 at each specific point. My -- my
4 purpose of testing was to establish
5 that there was growth in the materials.
6 Q. My point is, you just stuck this in
7 your report, but you don't tie these
8 slides to anything that's data in your
9 report.
10 A. I disagree.
11 Q. Where is there Stage 4 mold growth in
12 this home?

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13 A. Okay. Stage 4 mold growth is where the
14 spores are released. We have air
15 sampling that shows elevated spore
16 counts. Back up to stage 3. Stage 3,
17 shows the hypha, in both the air
18 sampling and the -- or the mycelia --
19 are -- they've sampled for that in the
20 mycelia fragments and the -- the
21 samples in this screening and in the
22 air samples. So my purpose for putting
23 that in there is to explain the stages

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1 of mold growth, where it comes out, and
2 then how that ties in to the sampling
3 and what was found.
4 Q. What's a conidia?
5 A. The conidia is the stalk, the stalk
6 that the mold spores are released from.
7 Q. And you think this is Stage 4 all over
8 the building?
9 A. You're putting words in my -- as I
10 said, yes. I mean, I -- we have got
11 elevated air samples; we've got
12 moisture in the walls. So yes, I
13 believe we have mold actively growing
14 in the walls.
15 Q. Is it your --
16 A. That's my opinion.
17 Q. -- opinion that you have Stage 4 mold